

JUDGE'S COPY

2003  
Ronald Tucker 39032-053  
F.C.I. Allenwood  
P.O. Box 2000  
White Deer, Pa 17887  
June 27, 2001

To: Clerk of the Court  
for the Honorable Yvette Kane  
Middle District of Pennsylvania  
United States District Court  
228 Walnut Street  
P.O. Box 983  
Harrisburg, Pa 17108

Re: 1:00-CV-01780  
Tucker v. Bureau of Prisons

Dear Clerk,

I am the petitioner in the above captioned case. Enclosed please find a copy of an "Amended Judgement in a Criminal Case" dated March 6, 2001. I received a copy of this "amended" Judgement on June 19, 2001, from the Records Office here at F.C.I. Allenwood. This amended order reflects a new "Date Offense Concluded" and also shows on page 2 of 7, that the federal sentencing court intended for my federal sentence to run concurrently with my state sentence. I currently have a habeas corpus petition pending before this court and I would respectfully like to add this "Amended Judgement and Commitment Order" as an exhibit to my already existing motion. I would like it attached as "Exhibit X".

I thank you for your assistance in this matter.

Sincerely,

Ronald Tucker, Petitioner  
Pro Se

FILED  
HARRISBURG  
JUL 02 2001  
MARY E. D'ANDREA, CLERK  
Per *[Signature]* DEPUTY CLERK

Ronald Tucker

## UNITED STATES DISTRICT COURT

Eastern District of New York

EXHIBIT

AMENDED

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1990)

RONALD TUCKER

FILED

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

CASE NUMBER: CR 92-91(S-1)-10

★ APR 10 2001 ★

LLOYD EPSTEIN, ESQ.

Defendant's Attorney

THE DEFENDANT:

BROOKLYN OFFICE

pleaded guilty to \_\_\_\_\_

- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☒ was found guilty on count(s) one(1), two(2), and nine(9) of the superseding indictment (S-1) after a plea of not guilty.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 1962(c)	Racketeering	3/91	1
21 U.S.C. § 841(a)(1)	Conspiracy to distribute and possession with intent to distribute cocaine base	3/90	2
21 U.S.C. § 841(a)(1) and 841(b)(1)(A)	Cocaine base Distribution of cocaine base	2/90	9

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence imposed pursuant to the Sentencing Reform Act of 1984.

☒ THE UNDERLYING INDICTMENT IS DISMISSED ON MOTION OF A.U.S.A..

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

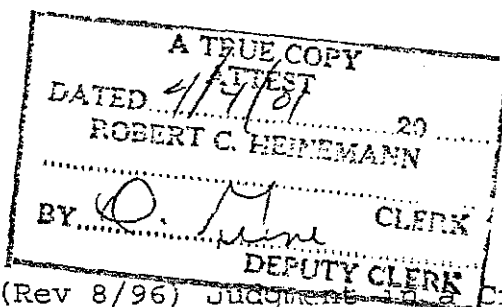
Defendant's Soc. Sec. No.: 053-66-9377

APRIL 19, 1995

Date of Imposition of Judgment

Defendant's Date of Birth: 3/11/69Defendant's U.S.M. No.: 39032-053

Signature of Judicial Officer

Defendant's Residence Address:  
IN CUSTODYRaymond J. Dearie, U.S.D.J.  
Name & Title of Judicial OfficerMARCH 6, 2001  
Date

DEFENDANT: RONALD TUCKER  
 NUMBER: CR 92-91(S-1) <sup>CE</sup>

AMENDED

EXHIBIT X

Judgment-Page 2 of 4

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of ONE HUNDRED & SIXTY-EIGHT MONTHS ON COUNTS 1, 2 AND 9 TO RUN CONCURRENTLY WITH EACH OTHER AND WITH THE STATE SENTENCE.

- ☐ The court makes the following recommendations to the Bureau of Prisons:

The defendant is continued in the custody of the United States Marshal.

The sentence is effective:

at     A.M. on           

- ☐ as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the facility designated by the Bureau of Prisons:

by 3p.m. on                     

- ☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Judgment Received

Defendant delivered on 06-13-01 to Warden

at ALM, with a certified copy of this judgment.

Michael A. Zenk, Warden  
 UNITED STATES MARSHAL

By Cassidy Coffey, LFE  
 Deputy U.S. Marshal

JUDGMENT & COMMITMENT/WRIT VERIFICATION

Spoke with Kimberly Davis

Title Clerk of Court

Phone (718) 260-2285

Verified (sign & date) Cassidy Coffey 6-14

ANT: RONALD TUCKER  
 JUMBER: CR 92-91(S-1)-13

AMENDED

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EXHIBIT

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE(5) YEARS ON COUNTS ONE(1), TWO(2) AND NINE(9) OF SUPERSEDING INDICTMENT TO RUN CONCURRENTLY.

The defendant shall report to the probation office in the district to which the defendant is released within hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.(Check, if applicable.)
- ☐ The defendant shall not possess a firearm as defined in 18 U.S.C. Section 921.(Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalty sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court(set forth below). The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substance are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of contraband observed in plain view of the probation officer.
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RONALD TUCKER  
CASE NUMBER: CR 92-91(S-1)-..

AMENDED

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EXHIBIT X

## ADDITIONAL SUPERVISED RELEASE TERMS

DEFENDANT: RONALD TUCKER  
CASE NUMBER: CR 92-91(S-1)-...

AMENDED

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EXHIBIT X

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

Assessment

Fine

Restitution

Totals: \$150.00

☐ If applicable, restitution amount ordered pursuant to plea agreement.....\$

## FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. Section 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. Section 3612(g).

- ☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ The interest requirement is waived.
  - ☐ The interest requirement is modified as follows:

## RESTITUTION REFER TO ATTACHED RESTITUTION ORDER.

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case will be entered after such determination.
- ☐ The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order Or Percentage of Payment</u>
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Totals: \$

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: RONALD TUCKER  
CASE NUMBER: CR 92-91(S-1)-...

AMENDED

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EXHIBIT

## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order. (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- ☒ **SPECIAL ASSESSMENT TO BE PAID IN FULL IMMEDIATELY.**
- ☐ \$\_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- ☐ Not later than \_\_\_\_\_; or
- ☐ In installments to commence \_\_\_\_\_ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not prior to the commencement of supervision by the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- ☐ In \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ days after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ Joint and Several
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.



DEFENDANT: RONALD TUCKER  
CASE NUMBER: CR 92-91(S-1)-1

AMENDED

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EXHIBIT X

## STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the pre-sentence report.

OR

X The court adopts the factual finding and guideline application in the pre-sentence report except (see attachment, if necessary): In light of the amendment to guideline 2D1.1, effective 11/1/94, the base offense level in paragraph 69 is 38. The adjusted offense level in paragraph 74 is 40. The Court finds the defendant's criminal history category to be a level I. The Probation Department is directed to amend paragraphs 69, 70, 74 and 97 accordingly.

### Guideline Range Determined by the Court:

Total Offense Level: 40

Criminal History Category: I

Imprisonment Range: 292 to 365

Supervised Release Range: 5 years.

Fine Range: \$\_\_\_\_\_ to \$\_\_\_\_\_

X Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$\_\_\_\_\_

- ☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. Section 3663(d).
- ☐ For offenses committed on or before or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113, of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.
- ☐ Partial restitution is ordered for the following reason(s):

- ☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

- ☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range:

Upon motion of the government pursuant to U.S.S.G. § 5K1.1 and 18 U.S.C. § 3553(e), as a result of defendant's substantial assistance.

- ☐ for the following specific reason(s):

X The Court will downwardly depart pursuant to 18 U.S.C. § 3553(b) for the reasons stated on the record.